

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Jack Engel,

Plaintiff,

vs.

Time Warner Cable, Charter
Communications, Spectrum, and DOES
1 through 10, inclusive,

Defendants.

Case No. ED CV19-74 PSG (KKx)

**JUDGMENT GRANTING
DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT OR, IN
THE ALTERNATIVE, PARTIAL
SUMMARY JUDGMENT**

Date: February 3, 2020

Time: 1:30 p.m.

Place: Courtroom 6A

Complaint Filed: May 25, 2018 FAC
Filed: October 3, 2018 Trial Date:
February 18, 2020

1 **~~PROPOSED~~ JUDGMENT**

2 ~~The Motion for Summary Judgment or, in the alternative, Partial Summary~~
3 ~~Judgment by Defendant Charter Communications, LLC's ("Charter") was heard on~~
4 ~~February 3, 2020 at 1:30 p.m. in Courtroom 6A of the United States District Court~~
5 ~~for the Central District of California, before the Honorable Philip S. Gutierrez.~~

6 Upon review of the papers, authorities, and evidence submitted by the
7 parties, as well as the arguments of counsel, and for good cause shown, the Court
8 hereby finds that there are no genuine disputes of material fact on at least one
9 required element of each of Plaintiff Jack Engel's ("Plaintiff") claims, and that
10 Defendant is entitled to judgment as a matter of law as to all causes of action in
11 Plaintiff's Complaint:

12 1. Plaintiff's First Claim for disability discrimination in violation of the
13 Fair Employment and Housing Act fails because Plaintiff's injuries prevented him
14 from performing his job's essential functions, rendering him unqualified and
15 therefore unable to show a *prima facie* case. ~~Further, Plaintiff cannot show a *prima*~~
16 ~~*facie* case of disability discrimination because he cannot prove a causal connection~~
17 ~~between his disability and any adverse employment actions.~~ Finally, even assuming
18 Plaintiff could show a *prima facie* case, he cannot prove that Defendants' legitimate
19 nondiscriminatory reasons were pretextual. Thus, Defendant's motion for summary
20 judgment is therefore **granted** as to Plaintiff's First Claim.

21 2. Plaintiff's Second Claim for violation of the California Family Rights
22 Leave Act ("CFRA") fails because the undisputed evidence shows Defendant
23 neither interfered with Plaintiff's CFRA rights, nor retaliated against him for taking
24 CFRA leave. Defendant's motion for summary judgment is therefore **granted** as to
25 Plaintiff's Second Claim.

26 3. Plaintiff's Third Claim for retaliation in violation of the Fair
27 Employment and Housing Act fails because the undisputed evidence shows
28 Plaintiff cannot prove a causal connection between a protected activity and any

1 adverse employment action. ~~Plaintiff also conceded in his deposition that he does~~
2 ~~not believe Charter retaliated against him.~~ Defendant's motion for summary
3 judgment is therefore **granted** as to Plaintiff's Third Claim.

4 4. Plaintiff's Fourth Claim for failure to accommodate in violation of the
5 Fair Employment and Housing Act because Defendant reasonably accommodated
6 Plaintiff by placing him on a leave of absence. Defendant's motion for summary
7 judgment is therefore **granted** as to Plaintiff's Fourth Claim.

8 5. Plaintiff's Fifth Claim for failure to engage in a good faith interactive
9 process in violation of the Fair Employment and Housing Act fails because the
10 undisputed evidence shows Defendant engaged in good faith in the interactive
11 process throughout Plaintiff's leave of absence. Plaintiff severed the process by
12 failing to respond to Defendant's letter offering to consider alternative
13 accommodations. Defendant's motion for summary judgment is therefore **granted**
14 as to Plaintiff's Fifth Claim.

15 6. Plaintiff's Sixth Claim for failure to prevent discrimination in violation
16 of the Fair Employment and Housing Act fails because the undisputed evidence
17 shows that Plaintiff cannot establish Defendant discriminated against him. This
18 derivative claim therefore necessarily fails. Defendant's motion for summary
19 judgment is therefore **granted** as to Plaintiff's Sixth Claim.
20
21
22
23
24
25
26
27
28

1 **IT IS HEREBY ORDERED** that Charter's Motion for Summary Judgment,
2 ~~or in the Alternative, Summary Adjudication~~ is hereby **GRANTED** in its entirety.
3 Plaintiff's Complaint is dismissed **WITH PREJUDICE** and judgment is entered in
4 favor of Charter.

5 **IT IS SO ORDERED.**

6 Dated: January 31, 2020


HONORABLE PHILIP S. GUTIERREZ
U.S. DISTRICT COURT JUDGE